



IFW
2145

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Akifumi Nakada

SERIAL NO.: 09/832,488

ART UNIT: 2145

FILED: April 11, 2001

EXAMINER: Ajay M. Bhatia

TITLE: METHOD HANDLING METHOD, FOR MOBILE AGENT IN A
DISTRIBUTED COMPUTER ENVIRONMENT

ATTORNEY DOCKET NO.: 954-007861-US(D01)

Mail Stop Petition

Commissioner of Patents

PO Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

UNDER M.P.E.P. §§711.02 and 711.03(c)

Sir:

The applicant petitions for the withdrawal of the holding of abandonment and the issuance of a new Office Action for the above-identified United States patent application.

In an Office communication from the United States Patent and Trademark Office Mailed March 2, 2006, the undersigned was notified of the abandonment of the subject application for failure to respond to an Office letter mailed June 15, 2005. Upon an inquiry to the Patent Office, Applicant was advised that an Office Action was mailed by the Patent Office on June 15, 1006. Applicant submits that said Office Action was never received.

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The applicant hereby petitions for the withdrawal of this holding of abandonment and request the issuance of a new Office Action setting a new time period during which Applicant may respond. This petition is requested under M.P.E.P. §§711.02 and 711.03(c), and the District Court, District of Columbia's decision in Delgar, Inc. v. Schuyler, 172 USPQ 513 (D.D.C. 1971) because the Office Action mailed June 15, 2005 was not received by the applicant.

The failure to respond to the Office Action was unintentional and caused by circumstances beyond Applicant's knowledge or control, as evidenced by the declaration of Applicant's Attorney, attached as Appendix I. Applicant submits further evidence in Exhibits A-C of Appendix I in support of this Petition.

In accordance with MPEP, section 711.03(c), the following is submitted with this petition: (1) a statement by Applicant's attorney that the Office action was not received by Applicant's attorney (see paragraph 1 of Declaration); (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received (see paragraph 6 of the Declaration); and (3) a copy of the mail log and docket record for the time period during which the non-received Office action would have been entered had it been received (see Exhibits A and B to the Declaration).

It is the understanding of Applicant that no fees will be charged for this petition. Please charge Deposit Account 16-1350 for any additional fee required.



Respectfully submitted,

Geza C. Ziegler, Jr.
Reg. No. 44,004

28 MARCH 2006

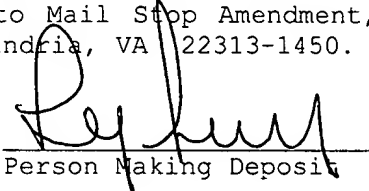
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 28 March 2006

Signature: 

Person Making Deposit



APENDIX I

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Akifumi Nakada

SERIAL NO.: 09/832,488

ART UNIT: 2145

FILED: April 11, 2001

EXAMINER: Ajay M. Bhatia

TITLE: METHOD HANDLING METHOD, FOR MOBILE AGENT IN A DISTRIBUTED
COMPUTER ENVIRONMENT

ATTORNEY DOCKET NO.: 954-007861-US(PAR)

Mail Stop Petition

Commissioner of Patents

PO Box 1450

Alexandria, VA 22313-1450

DECLARATION IN SUPPORT OF PETITION TO WITHDRAW HOLDING OF
ABANDONMENT UNDER MPEP 711.03(a)

Sir:

In support of the attached Petition to Withdraw the Holding of Abandonment I, Geza C. Ziegler, Attorney for Applicant, registration number 44,004, do hereby declare that:

(1) Upon information and belief, the Office Action, which was issued by the Patent & Trademark Office in the subject Application on June 15, 2005 was never received by Applicant's Attorney until obtained on the Internet by Applicant's Attorney after receiving the Notice of Abandonment on March 6, 2006;

(2) Upon information and belief, our docketing clerk, in accordance with the standard docketing practice employed by the law firm of Perman & Green, LLP, 425 Post Road, Fairfield, CT

06824, (hereinafter referred to as the Firm), manually records docketable communications in the Daily Mail Log on days when such docketable communications are received. Our docketing clerk does not create a log sheet in the Daily Mail Log on days when no docketable communications are received. This practice was in place and continuously performed during the period when the June 15, 2005 Office Action would have been received at the Firm;

(3) Exhibit A is comprised of copies of the consecutive mail log sheets from the Daily Mail Log that is maintained by our docketing clerk for the period running from June 1, 2005 through August 31, 2005. Upon information and belief, Exhibit A indicates all of the Office communications docketed by our docketing clerk, between the above mentioned dates. Any docketed Office communication having a mailing date of June 15, 2005 would have been recorded within the pages comprising Exhibit A;

(4) Exhibit A, shows that six Office communications having mailing dates of June 15, 2005 were received by the firm. None of said Office communications were in reference to the instant patent application. A search of the file jackets for the applications corresponding to the above six communications revealed that the office action dated June 15, 2005 for the subject application was not mis-filed therein;

5) As a separate part of the standard docketing procedures set up by the Firm and in place at the time of the events stated herein, a computerized docket system was employed to record prosecution events with respect to specific applications. As part of the standard docketing system used by the Firm, our docketing clerk updates the data base whenever a document requiring a

response is received from the Patent Office. Attached as Exhibit B is a report dated 27 March 2006 relating to docket file 954-007861 US(DO1) which indicates that no Office Action was docketed, and further a search of the Docket records of the firm confirms that there were no communications docketed having due dates of September 15, 2005, other than the six items indicated in paragraph 4 above;

(6) a search of the file jacket of the subject application associated with said application indicates that the June 15, 2005 Office Action was not received;

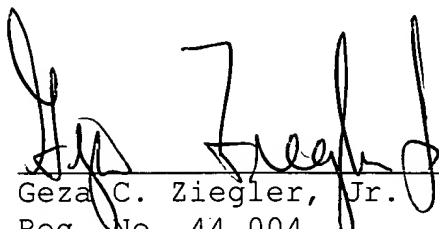
(7) On March 6, 2006, a Notice of Abandonment was received by the Firm in the subject application. This Notice was prompted by a inquiry by Applicant's Attorney. A copy of the Notice of Abandonment is attached hereto as Exhibit C. This was the first time I became aware that a Office Action had been issued in this application. An investigation was immediately undertaken to discover the events leading up to the Notice of Abandonment and we have concluded, based on the above facts, that the Office Action was not received. Work on the Petition to Withdraw Holding of Abandonment commenced at the time of receipt of the Notice of Abandonment and has proceeded diligently until filed; and

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that



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such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Geza C. Ziegler, Jr.
Reg. No. 44,004

28 MARCH 2006
Date

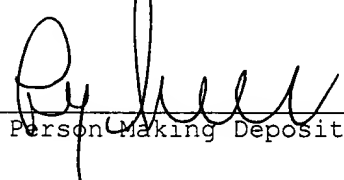
Perman & Green, LLP
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(203) 259-1800
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 28 March 2006

Signature: _____


Person Making Deposit

DATE: Wed 6-1-05

DAILY MAIL LOG

ATTY.	P&G DOCKET NUMBER	DATE MAILED	ACTION DUE	DATE ACTION DUE
DMW	810-010550-US(PAR)	5-26-05	Issue/Pub. Fees	8-26-05
HIS	774-010234-US(PAR)	5-27-05	"	8-27-05
JVG	297-010947-US(PAR)	5-23-05	"	8-23-05
G-A	684-012214-US(PAR)	5-25-05	Missing Parts	7-25-05
G-A	886-012211-US(PAR)	5-25-05	"	7-25-05
RDG	460-010928-US(PAR)	5-25-05	US-FINAL	8-25-05
DMW	939-011495-US(PAR)	5-27-05	"	8-27-05
HIS	460-010247-US(PAR)	5-31-05	"	8-31-05
SM	785-011767-US(PAR)	5-24-05	"	8-24-05
G-A	785-011775-US(PAR)	5-23-05	"	8-23-05
RDG	297-010397-US(PAR)	5-20-05	US-3mon	8-20-05
G-A	704-011550-US(PAR)	5-23-05	"	8-23-05
SM	785-011779-US(coil)	5-24-05	"	8-24-05
GCZ	770-011647-US(PAR)	5-25-05	"	8-25-05
JVG	770-011699-US(PAR)	5-25-05	Not of Inc. Reply	6-10-05



DATE: Thur. June 2

DAILY MAIL LOG

[illegible]

DATE: Mon. 6-6-05

DAILY MAIL LOG

ATTY.	P&G DOCKET NUMBER	DATE MAILED	ACTION DUE	DATE ACTION DUE
RDG	460-009986-US(PAR)	6-2-05	Advisory Action	6-20-05 DD
DMW	473-010326-US(PAR)	6-1-05	"	7-12-05 DD
RDG	460 -010126-US(PAR)	6-2-05	"	8-23-05 DD
G-A	785-011086-US(PAR)	6-2-05	Rest. Rec	7-2-05
HIS	460-007649-US(PAR)	6-2-05	"	7-2-05
HIS	413-010763-US(PAR)	6-3-05	Advisory Action	6-24-05
HIS	873-01174-US(PAR)	6-3-05	Rest. Rec	7-3-05
G-A	785-011688-US(COI)	6-3-05	"	7-3-05
JVG	770P009595-US(PAR)	6-2-05	FINAL	9-2-05
G-A	954-010350-US(PAR)	6-2-05	"	9-2-05
RDG	297-010568-US(PAR)	6-2-05	"	9-3-05
G-CZ	460-010404-US(PAR)	6-3-05	"	9-3-05
RDG	770P010635-US(PAR)	6-2-05	"	9-2-05
G-A	785-011502-US(PAR)	6-3-05	US-3mon	9-3-05
G-A	859 -010740-US(PAR)	6-3-05	"	9-3-05
JM	895-01153-US(COI)	6-2-05	"	9-2-05

DATE: 6-6-05 (Cont)

DAILY MAIL LOG

ATTY.	P&G DOCKET NUMBER	DATE MAILED	ACTION DUE	DATE ACTION DUE
RDG	309-009397-US(GI)	6-2-05	US-2mon	9-2-05
HIS	360 -010088-US(PAR)	6-1-05	"	9-1-05
GCZ	528-009766-US(PAR)	6-1-05	"	9-1-05
DMW	442-009400-US(PAR)	6-1-05	"	9-1-05
HIS	950-009922-US(PAR)	6-3-05	"	9-3-05
G-A	871-011372-US(PAR)	6-3-05	"	9-3-05
G-A	941-012025-US(PAR)	6-1-05	Missing Rec	8-1-05
G-A	893-012206-US(PAR)	6-1-05	Missing Part	8-1-05
GCZ	850 -008702-US(PAR)	6-1-05	Issue Fee	9-1-05
JVG	390P01178-US(PAR)	5 -25-05	Issue/Publ. Fees	8-25-05
JM	785-011169-US(GI)	6-2-05	Interview Sum.	7-2-05

DATE: Thur - 6-9-05

DAILY MAIL LOG

ATTY.	P&G DOCKET NUMBER	DATE MAILED	ACTION DUE	DATE ACTION DUE
GA	946-012024-US(PAR)	6-7-05	Missing Rec't	8-7-05
GCZ	297-008889-US(PAR)	6-7-05	Advisory Action	9-7-05 DD
SM	620-010472-US(PAR)	6-8-05	Not Non Compl.	7-8-05
GCZ	324-010964-US(PAR)	6-6-05	FINAL	9-6-05
RDG	617-009973-US(PAR)	6-6-05	"	9-6-05
HIS	225-011316-US(PAR)	6-6-05	"	9-6-05
JVG	860-011429-US(PAR)	6-6-05	"	9-6-05
GCZ	460-010714-US(PAR)	6-6-05	"	9-6-05
RDG	690-009608-US(PAR)	6-6-05	US-3mon	9-6-05
GCZ	950-011753-US(PAR)	6-7-05	"	9-7-05
HIS	770P009584-US(PCT)	6-7-05	"	9-7-05
JVG	770P011494-US(PAR)	6-6-05	"	9-6-05
RDG	324-010533-US(PAR)	6-6-05	"	9-6-05
GCZ	770-011466-US(PAR)	6-6-05	"	9-6-05
JVG	860-011340-US(PAR)	6-6-05	Issue/Pob Fees	9-6-05
HIS	297-010345-US(PAR)	6-6-05	"	9-6-05
RDG	460-009386-US(PAR)	6-7-05	Issue Fee	9-7-05

DATE: Fri 6-10-05

DAILY MAIL LOG

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DATE: MON. 6-13-05

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DATE: Tue 6-14-05

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DATE: Wed. 6-15-05

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DATE: THUR. 6-16-05

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DATE: Fri. 6-17-05

DAILY MAIL LOG

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DATE: Mon 6-20-05

DAILY MAIL LOG

ATTY.	P&G DOCKET NUMBER	DATE MAILED	ACTION DUE	DATE ACTION DUE
JVG	460-010890-US(PAR)	6-16-05	FINAL	9-16-05
HLS	460-010076-US(PAR)	6-17-05	"	9-17-05
GCZ	297-010978-US(PAR)	6-17-05	"	9-17-05
DMW	810-010249-US(PAR)	6-16-05	"	9-16-05
RDG	324-010707-US(PAR)	6-16-05	Advisory Action	8-8-05 DD
JVG	200-008830-US(PAR)	6-17-05	Not Non-Comp.	7-17-05
G-A	893-012238-US(PAR)	6-17-05	Missing Parts	8-17-05
G-A	893-012239-US(PAR)	6-16-05	"	8-16-05
GCZ	770-011452-US(PAR)	6-16-05	US-3MON	9-16-05
GCZ	413-010737-US(PAR)	6-15-05	"	9-15-05
GCZ	324-010968-US(TOI)	6-16-05	"	9-16-05

DATE: Thur 6-23

DAILY MAIL LOG

ATTY.	P&G DOCKET NUMBER	DATE MAILED	ACTION DUE	DATE ACTION DUE
GCZ	617-010265-US(PAR)	6-20-05	Issue/Pub Fees	9-20-05
HIS	297-010843-US(PAR)	6-20-05	"	9-20-05
HIS	460-010010-US(PAR)	6-20-05	US-FINAL	9-20-05
JVG	860-011813-US(PAR)	6-20-05	Issue/Pub Fees	9-20-05
JVG	871-011405-US(PAR)	6-20-05	Rest. Res	7-20-05
SM	785-011025-US(PAR)	6-21-05	Advisory Action	7-13-05 PD
GCZ	770P009588-US(PAR)	6-21-05	US-3mon	9-21-05
G-A	684-012241-US(PAR)	6-21-05	Missing Parts	8-21-05
G-A	941-012057-US(PAR)	6-21-05	Missing Re 4	8-21-05
G-A	324-012240-US(PAR)	6-21-05	Missing Parts	8-21-05
JM	879P011769-US(PAR)	6-21-05	File Corr. Papers	8-21-05

DATE: Fri. 6-24-05

DAILY MAIL LOG

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DATE: MON. 6-27-05

DAILY MAIL LOG

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DATE: Tues. 6-28-05

DAILY MAIL LOG

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7-1-05

DAILY MAIL LOG

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DATE: Tue 7-5-05

DAILY MAIL LOG

ATTY.	P&G DOCKET NUMBER	DATE MAILED	ACTION DUE	DATE ACTION DUE
G-A	324-010911-US(PAR)	6-27-05	FINAL	9-27-05
G-A	413-010125-US(PAR)	6-28-05	"	9-28-05
DMW	460-010812-US(PAR)	6-29-05	"	9-29-05
GCZ	390-010852-US(PAR)	6-23-05	"	9-23-05
JVG	390-008764-US(PAR)	6-23-05	"	9-23-05
HIS	297-010484-US(PAR)	6-23-05	"	9-23-05
JVG	871-011441-US(PAR)	6-20-05	US-3 MON	9-20-05
HIS	460-010909-US(PAR)	6-24-05	"	9-24-05
GCZ	413-010957-US(PAR)	6-28-05	"	9-28-05
G-A	460-010860-US(PAR)	6-27-05	"	9-27-05
GCZ	460-010814-US(PAR)	6-29-05	"	9-29-05
GCZ	858 806-010347-US(PAR)	6-29-05	"	9-29-05
GCZ	806-010631-US(PAR)	6-29-05	"	9-29-05
GCZ	835-010877-US(PAR)	6-28-05	"	9-28-05
JVG	858-009453-US(CO)	6-28-05	"	9-28-05
GCZ	324-010620-US(PAR)	6-24-05	"	9-24-05

DATE: 7-5-05 (cont)

DAILY MAIL LOG

ATTY.	P&G DOCKET NUMBER	DATE MAILED	ACTION DUE	DATE ACTION DUE
G-A	785-012112-US (COI)	6-24-05	US-3MON	9-24-05
G-A	785-011065-US (PAR)	6-23-05	"	9-23-05
G-A	460-010860-US (PAR)	6-27-05	"	9-27-05
GCZ	684-011274-US (PAR)	6-27-05	"	9-27-05
G-A	939-012027-US (PAR)	6-27-05	Missing Req't	8-27-05
JM	396-010262-US (COI)	6-23-05	Missing Parts	8-23-05
G-A	886-012250-US (PAR)	6-29-05	"	8-29-05
G-A	324-012235-US (PAR)	6-29-05	"	8-29-05
G-A	893-012244-US (PAR)	6-29-05	"	8-29-05
G-A	893-012248-US (PAR)	6-29-05	"	8-29-05
G-A	684-012226-US (PAR)	6-24-05	"	8-24-05
G-A	324-010607-US (PAR)	6-23-05	Issue/Pub Fees	9-23-05
GCZ	460-010009-US (COI)	6-23-05	"	9-23-05

DATE: Wed 7-6-05

DAILY MAIL LOG

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DATE: FFI 7-8-05

DAILY MAIL LOG

[illegible]

DATE: Mon. 7-11-05

DAILY MAIL LOG

ATTY.	P&G DOCKET NUMBER	DATE MAILED	ACTION DUE	DATE ACTION DUE
GCZ	785-012023-US(CO)	7-8-05	Rest. Req	8-8-05
JM	257-011351-US(PAR)	7-7-05	FINAL	10-7-05
GCZ	836-009469-US(PAR)	7-8-05	"	10-8-05
G-A	460 -010517-US(PAR)	7-8-05	US-3mon	10-8-05
HIS	770P009600-US(PAR)	7-6-05	"	10-6-05
GCZ	770P009677-US(PAR)	7-6-05	"	10-6-05
GCZ	460-010248-US(PAR)	7-6-05	"	10-6-05
G-A	886-012071-US(PAR)	7-7-05	Missing Rest	9-7-05
HIS	460-010109-US(DO)	7-7-05	File Corrected Papers	9-7-05
JM	390P011831-US(PAR)	7-7-05	Missing Parts	9-7-05
G-A	893-012238-US(TOI)	7-8-05	"	9-8-05
GCZ	981-011984-US(PAR)	7-8-05	"	9-8-05
G-A	836-012270-US(PAR)	7-8-05	"	9-8-05
RDG	981-012006-US(PAR)	7-8-05	"	9-8-05
G-A	939-012263-US(PAR)	7-8-05	"	9-8-05
	445-011075-US(PAR)	7-7-05	Leave/ Pub Fee	10-7-05

DATE: Thur. 7-14-05

DAILY MAIL LOG

ATTY.	P&G DOCKET NUMBER	DATE MAILED	ACTION DUE	DATE ACTION DUE
GCZ	460-010421-US (PAR)	7-12-05	Advisory Action	9-28-05DD
JM	257-011175-US (PAR)	7-11-05	Not of Non-Camp	8-11-05
RDC	446-011602-US (PAR)	7-11-05	Rest. Rec	8-11-05
RDC	810-010971-US (PAR)	7-11-05	US-3MON	10-11-05
GCZ	297-009040-US (PAR)	7-12-05	"	10-12-05
RDC	460-010211-US (PAR)	7-12-05	US-FINAL	10-12-05
GCZ	819P010360-US (PAR)	7-11-05	"	10-11-05
DMW	810-010628-US (PAR)	7-12-05	"	10-12-05
G-A	684-012221-US (PAR)	7-12-05	Missing Parts	9-12-05
G-A	324-012236-US (PAR)	7-11-05	"	9-11-05
G-A	886-012064-US (PAR)	7-11-05	Missing Rec 4	9-11-05
GCZ	690-009486-US (PAR)	7-11-05	Advisory Action	7-15-05
JM	999P012215-US (PAR)	7-11-05	File Corr. Papers	9-11-05
SM	044-010457-US (PAR)	7-11-05	Issue fee/Drawings	10-11-05
BK/GCZ	873-011428-US (PAR)	7-12-05	"	10-12-05

DATE: Fri - 7-15-05

DAILY MAIL LOG

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DATE: Tues 7-19-05

DAILY MAIL LOG

ATTY.	P&G DOCKET NUMBER	DATE MAILED	ACTION DUE	DATE ACTION DUE
HIS	324-010233-US (PAR)	7-15-05	Advisory Action	7-19-05
GCZ	442-010429-US (PAR)	7-15-05	" "	8-7-05
G-A	886-011595-US (PAR)	7-14-05	US-2 MON	9-14-05
G-A	886-012294-US (PAR)	7-15-05	Missing Parts	9-15-05
G-A	324-012237-US (PAR)	7-15-05	" "	9-15-05
DMW	324-010927-US (PAR)	7-14-05	FINAL	10-14-05
G-A	413-010736-US (PAR)	7-15-05	US-3 MON	10-15-05
GCZ	324-010115-US (PAR)	7-15-05	" "	10-15-05
GCZ	770PO11414-US (PAR)	7-14-05	" "	10-14-05
JVG	390PO10255-US (PAR)	7-14-05	" "	10-14-05
BK/GCZ	723PO10046-US (PAR)	7-14-05	" "	10-14-05
RDG	460-009986-US (PAR)	7-14-05	Issue/Abl Fees	10-14-05
RDG	950-011156-US (PAR)	7-15-05	" "	10-15-05
JTM	925-004023-US (PAR)	7-15-05	Issue Fee/Dwg	10-15-05

DATE: Wed. 7-20-05

DAILY MAIL LOG

[illegible]

DATE: 7-21-1965

DAILY MAIL LOG

[illegible]

DATE: Fri 7-22-05

DAILY MAIL LOG

[illegible]

DATE: MON 7-25-05

DAILY MAIL LOG

[illegible]

DATE: Wed 7-27-05

DAILY MAIL LOG

ATTY.	P&G DOCKET NUMBER	DATE MAILED	ACTION DUE	DATE ACTION DUE
HIS	873 873-011174-US (PAR)	7-23-05	US-3 MON	10-23-05
JVG	860-011323-US	7-22-05	"	10-22-05
SM	690-01191-US (PAR)	7-22-05	"	10-22-05
	873 873-011174-US (PAR)	7-22-05		
RDG	843-010811-US (PAR)	7-22-05	FINAL	10-22-05
G-A	684-012300-US (PAR)	7-25-05	Missing Parts	9-25-05
JVG	297-010769-US (PAR)	7-25-05	Advisory Action	8-3-05
JVG	460-009524-US (PAR)	7-25-05	"	7-19-05
HIS	296 296-010339-US (PAR)	7-25-05	FINAL	10-25-05
PMW	297-010346-US (PAR)	7-25-05	"	10-25-05
HIS	297-009078-US (PAR)	7-25-05	US-3 MON	10-25-05

DATE: 1 NOV 7-28-

DAILY MAIL LOG

[illegible]

DATE: Mon. 8-1-05

DAILY MAIL LOG

ATTY.	P&G DOCKET NUMBER	DATE MAILED	ACTION DUE	DATE ACTION DUE
RDG	690-009513-US(PAR)	7-27-05	Advisory Action	8-10-05
JVG	860-011614-US(PAR)	7-28-05	"	8-18-05
G CZ	390-010852-US(PAR)	7-28-05	"	9-23-05
G CZ	460 010100-US(PAR)	7-27-05	Dwgs	9-27-05
RDG	836-010675-US(PAR)	7-29-05	US-1 MON	8-29-05
JM	390-011458-US(PAR)	7-29-05	Not-Inc. Reply	8 9-29-05
JM	390PO12320-US(#)	7-29-05	Missing Parts	9-29-05
JM	390-009396-US(PAR)	7-29-05	Issue/Publ Fees	10-29-05
G CZ	297-010102-US(PAR)	7-28-05	"	10-28-05
RDG	225-010578-US(PAR)	7-27-05	"	10-27-05
RDG	297-009504-US(PAR)	7-27-05	Exam's Answer	9-27-05
RDG	324-010707-US(PAR)	7-27-05	US-3 MON	10-27-05
G-A	225-011258-US(PAR)	7-28-05	"	10-28-05
HIS	324-010440-US(PAR)	7-28-05	"	10-28-05
JVG	896 009943-US(PAR)	7-29-05	"	10-29-05
G CZ	770PO11467-US(PAR)	7-29-05	"	10-29-05

DATE: Mon. 8-1-05 (cont.)

DAILY MAIL LOG

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DATE: Wed. 8-3-05

DAILY MAIL LOG

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DATE: Thur. 8-4-05

DAILY MAIL LOG

[illegible]

DATE: Mon. 8-8-05

DAILY MAIL LOG

ATTY.	P&G DOCKET NUMBER	DATE MAILED	ACTION DUE	DATE ACTION DUE
JVG	871-011405-US(PAR)	8-3-05	US-3MON	11-3-05
HIS	324-010518-US(PAR)	8-3-05	"	11-3-05
JTM	390-011658-US(PAR)	8-3-05	Missing Parts	10-3-05
G-A	939-012029-US(PAR)	7-29-05	Missing Rec'd	9-29-05
GCZ	460-010297-US(PAR)	8-3-05	US-3MON	11-3-05
G-A	836-010650-US(PAR)	8-5-05	"	11-5-05
SM	044-010803-US(PAR)	8-5-05	"	11-5-05
RDE	770P009596-US(PAR)	8-4-05	FINAL	11-4-05
GCZ	297-009503-US(PAR)	8-5-05	Issue Fee	11-5-05
JVG	860-011073-US(PAR)	8-5-05	Issue/Publ Fees	11-5-05
DMW	413-010836-US(PAR)	8-4-05	"	11-4-05
GCZ	490-012243-US(PAR)	8-4-05	Missing Parts	10-4-05
G-A	836-012322-US(PAR)	8-5-05	"	10-5-05

DATE:

DAILY MAIL LOG

[illegible]

DATE: Fri 8-11-05

DAILY MAIL LOG

ATTY.	P&G DOCKET NUMBER	DATE MAILED	ACTION DUE	DATE ACTION DUE
ROG	297-009281-US(PAR)	8-9-05	Advisory Action	9-3-05
GCZ	442-008455-US(CO)	8-4-05	Dwg. Icons.	9-4-05
JM	390-011307-US(PAR)	8-9-05	Final	11-9-05
JNG	309-010104-US(PAR)	8-9-05	"	11-9-05
HIS	297-009990-US(PAR)	8-8-05	US-3MON	11-8-05
JVG	460-010929-US(PAR)	8-9-05	"	11-9-05
HIS	324-010422-US(PAR)	8-9-05	"	11-9-05
GCZ	460-008876-US(PAR)	8-9-05	US-Final	11-9-05
G-A	785-011730-US(PAR)	8-9-05	Missing Parts	10-9-05
HIS	886-011493-US(PAR)	8-9-05	Issue/Pub Fees	11-9-05
JM	690-011188-US(PAR)	8-8-05	"	11-8-05
JM	390-011218-US(PAR)	8-9-05	Issue/Pub Fees/Dwg	11-9-05
JNG	297-009169-US(PAR)	8-9-05	Issue Fee	11-9-05
GCZ	442-010567-US(PAR)	8-8-05	Dwg Icons.	9-8-05

DATE: FFI-8-12-05

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DATE: Tues 8-16-05

DAILY MAIL LOG

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DATE: Thur 8-16-05

DAILY MAIL LOG

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DATE: Fri 8-19-05

DAILY MAIL LOG

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DATE: MON. 8-22-05

DAILY MAIL LOG

[illegible]

DATE: Wed. 8-24-05

DAILY MAIL LOG

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DATE: Fri - 8-26-05

DAILY MAIL LOG

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DATE: Mon. 8-29-05

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ATTY.	P&G DOCKET NUMBER	DATE MAILED	ACTION DUE	DATE ACTION DUE
GCZ	297-010337-US(PAR)	8-24-05	FINAL	11-24-05
JVG	858-009454-US(PAR)	8-23-05	US-3mon	11-23-05
SM	620-010334-US(PAR)	8-24-05	Not of Non Comp.	9-24-05
RDG	770P009657-US(PAR)	8-24-05	Issue Fee	11-24-05
JVG	860-01162-US(PAR)	8-24-05	US-3mon	11-24-05
GCZ	460-010145-US(PAR)	8-26-05	FINAL	11-26-05
FIS	617-010002-US(PAR)	8-23-05	US-3mon	11-23-05
GA	785-012321-US(PAR)	8-25-05	Missing Parts	10-25-05
RDG	442-010066-US(PAR)	8-25-05	Advisory Action	9-5-05
JVG	871-011394-US(PAR)	8-25-05	Issue/Pub Fees	11-25-05
GCZ	297-010255-US(PAR)	8-25-05	"	11-25-05

DATE: Wed 8-31-05

DAILY MAIL LOG

[illegible]



Country Application

Monday, March 27, 2006

Case Number: 954-007861 **Country:** US **SubCase:** D01
Client: IBM YORKTOWN/AGENCY United States of America
Case Type: DIV **Application Status:** Published **Area(s):** WO
Application Number: 09/832,488 **Filing Date:** 11-Apr-2001
Patent Number: **Issue Date:**
Publication Number: 01-0013051 **Publication Date:** 09-Aug-2001
Priority Number: 09-152426 **Priority Date:** 10-Jun-1997
Tax Schedule: LE **Expiration Date:**
Tax Start Date:
Agent:
Agent Reference No.:

File Establishment Date: 10-Apr-2001 **Storage Company:**
File Location: P&G **Box Number:**

List Of Actions

Action(s) Du	Due Date	Action Taken	
Foreign Filing Reminder	10-Dec-1997	Due Date	
Foreign Filing Due	10-Jun-1998	Final	
Request for Examination	10-Jun-2000	Due Date	
TO BE PREP	10-Jun-2001	Due Date	11-Apr-2001
Information Disclosure Stmtnt	11-Jul-2001	Due Date	12-Dec-2001
POST CARD RECEIVED	11-Oct-2001	Due Date	30-Apr-2001
Information Dis Follow Up Date	12-Jun-2002	Due Date	17-Jan-2002
Application Status Check	11-Oct-2002	Due Date	
3 MON RESPONSE	17-May-2004	Due Date	17-May-2004
1 MON EXTENSION	17-Jun-2004	Due Date	17-May-2004
2 MON EXTENSION	17-Jul-2004	Due Date	17-May-2004
6 MON FINAL	17-Aug-2004	Final	17-May-2004
DUE DT-ELECTION	08-Oct-2004	Due Date	04-Oct-2004
1MON EXTENSION	08-Nov-2004	Reminder	04-Oct-2004
POST CARD RECEIVED	17-Nov-2004	Due Date	04-Jun-2004
2MON EXTENSION	08-Dec-2004	Reminder	04-Oct-2004
3MON EXTENSION	08-Jan-2005	Reminder	04-Oct-2004
FINAL DEADLINE	08-Feb-2005	Final	04-Oct-2004

Country Application

Monday, March 27, 2006

ONE MONTH REPLY	16-Mar-2005	Due Date	23-Feb-2005
POST CARD RECEIVED	04-Apr-2005	Due Date	14-Oct-2004
POST CARD RECEIVED	23-Aug-2005	Due Date	07-Mar-2005

User ID: CONRAD

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,488	04/11/2001	Akifumi Nakada	954-007861-US (D01)	1276
2512 RDG 7590	03/02/2006			
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824				
			EXAMINER BHATIA, AJAY M	
			ART UNIT 2145	PAPER NUMBER

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

09/832,488

Examiner

Ajay M. Bhatia

Applicant(s)

NAKADA ET AL.

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 15 June 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


JASON CARDONE
SUPERVISORY PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Interview Summary

Application No.

09/832,488

Applicant(s)

NAKADA ET AL.

Examiner

Ajay M. Bhatia

Art Unit

2145

All participants (applicant, applicant's representative, PTO personnel):

(1) Ajay M. Bhatia.

(3) _____.

(2) Geza C. Ziegler, Jr (44,004).

(4) _____.

Date of Interview: 23 February 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____.

Claim(s) discussed: None.

Identification of prior art discussed: None.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner contact applicant's representative about the status of the case since applicant has not filed a response to non final action mailed 6/15/2005. Applicant's representative told examiner that they have not received the action. Examiner told applicant that they would have to revive the case. Therefore the examiner would abandon the case to allow applicant to file a petition.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

JASON CARDONE
SUPERVISORY PATENT EXAMINER

Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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